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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,741	01/16/2007	Otto Bosse	10537/328	2477
26646 7590 03/14/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER AMIRI, NAHID				
ART UNIT 3679		PAPER NUMBER		
MAIL DATE 03/14/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,741

Applicant(s)

BOSSE ET AL.

Examiner

NAHID AMIRI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 13 December 2007, amendments to the claims have been entered. Claims 1-13 are canceled. Claims 14-28 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

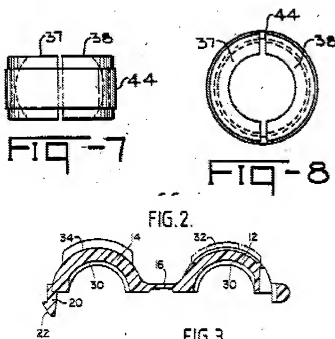
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 2,288,160 Flumerfelt in view of US Patent No. 5,115,586 Hawker.

With respect to claims 14-21, Flumerfelt discloses a ball socket (Figs. 7 and 8; page 2, column 2, lines 25-27) for receiving a ball (30) comprising a first half-socket (37) and a second half-socket (38), each of the first half-socket (37) and the second half-socket (38) having an at least partially spherical interior surface; wherein the ball socket is adapted to cover a ball portion of the ball (30), the ball portion delimited by two circles arranged parallel to one another; the ball socket arranged as a ball layer; wherein the ball socket includes at least one gap; wherein the gaps are oriented perpendicular to the circles that delimit the ball portion of the ball (30) that is covered by the ball socket. Flumerfelt does not disclose a least one elastically deformable region integrally formed with the first half-socket and the second half-socket; wherein the elastically deformable region is formed of an elastically deformable material; wherein the elastically deformable region includes an elastically deformable geometry; the elastically deformable region is arranged in one of the two gaps; and wherein the elastically deformable region is arranged as an elongate portion arranged diagonally with respect to the gap. Hawker teaches a device (Fig. 2) including two separate parts (32, 34) having at least one elastically deformable region (16)

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formed with the first part (32) and the second part (34) which is formed from elastically deformable material; wherein the elastically deformable region (16) is arranged in a gap between the two parts (32, 34).; and wherein the elastically deformable region (16) is arranged as an elongate portion arranged diagonally with respect to the gap. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the ball socket of Flumerfelt with at least one elastically deformable region integrally formed with the first and second half sockets as taught by Hawker in order to bring two half sockets together.



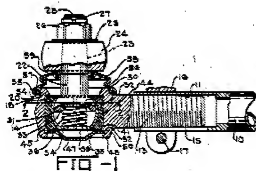
With respect to claim 22, Flumerfelt discloses (Figs. 7, 8) that the at least one gap includes two gaps arranged diagonally with respect to one another along a circumference of the ball.

With respect to claims 23-26, Flumerfelt fails to disclose that the elastically deformable region is arranged in one of the two gaps; and wherein the elastically deformable region is arranged between a first portion of the circle and a second portion of the circle; and wherein the elastically deformable region includes a thin-walled region. Hawker teaches (Fig. 2) that that the elastically deformable region (16) is arranged at the gap; and wherein the elastically deformable region (16) is arranged between a first portion of the circle and a second portion of the circle; and

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wherein the elastically deformable region (16) includes a thin-walled region. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the two gaps of Flumerfelt with the deformable elastically region of Hawker in order to bring two half sockets together.

With respect to claims 27 and 28, Flumerfelt discloses a system (Figs. 1, 7-8) comprising a rotatably mounted connection arrangement adapted to connect a first part (constituted a housing 14) to a second part (44), the first part (14) including a ball (30) as a connection element, the second part (22) including a first half-socket (37), a second half-socket (38), each of the first half socket (37) and the second half-socket (38) having an at least partially spherical interior surface. Flumerfelt does not disclose a least one elastically deformable region integrally formed with the first half-socket and the second half-socket. Hawker teaches a device (Fig. 2) including two separate parts (32, 34) h at least one elastically deformable region (16) formed with the first part (32) and the second part (34). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the ball socket of Flumerfelt with at least one elastically deformable region integrally formed with the first and second half sockets as taught by Hawker in order to bring two half sockets together.



Response to Arguments

Applicant's arguments with respect to claims 14-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art of record US Patent No. 7,226,234 B2 Gordy et al.; and US Patent No. 4,701,064 Mizusawa; are cited a socket retainer.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, e.g., claim 14, lines 2-3, the limitation of "a first half-socket; a second half-socket, each of the first half-socket and the second half-socket having an at least partially spherical" and lines 4-5, "integrally formed with the first half-socket and the second half-socket", was not claimed in original claimed invention. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri
Examiner
Art Unit 3679
February 28, 2008

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679